

**KARIN J. IMMERGUT, OSB #96314**

United States Attorney

**STEPHEN J. ODELL, OSB #90353**

Assistant U.S. Attorney

steve.odell@usdoj.gov

United States's Attorney's Office

District of Oregon

1000 S.W. Third Avenue, Suite 600

Portland, OR 97204-2902

Telephone: (503) 727-1024

Facsimile: (503) 727-1117

Of Attorneys for Defendants

FILED 08 APR 08 18:44 USDC-ORP

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF OREGON**

OREGON NATURAL RESOURCES COUNCIL  
ACTION, et al.,

Civ. No. 03-613-KI

Plaintiffs,

v.

UNITED STATES FOREST SERVICE, et al.,

Defendants,

and

STARFIRE LUMBER CO., et al.,

Amici Curiae/Defendant-Intervenors.

**STIPULATION**  
**ORDER RE: DISPOSITION OF**  
**AMENDED MOTION FOR**  
**ATTORNEYS' FEES, COSTS,**  
**AND OTHER EXPENSES**

Plaintiffs and Federal Defendants ("Stipulating Parties") jointly submit and respectfully ask the Court to approve this stipulation memorializing their agreement providing for disposition of Plaintiffs' Amended Motion for Attorneys' Fees, Costs, and Other Expenses (Dkt. #329).

Specifically, the Stipulating Parties hereby stipulate to the following facts and terms:

STIPULATION & [PROPOSED] ORDER RE: DISPOSITION OF AMENDED  
MOTION FOR ATTORNEYS' FEES, COSTS, AND OTHER EXPENSES

1. On September 21, 2007, Plaintiffs filed a motion for attorneys' fees, costs, and other expenses (Dkt. #318) and, on January 30, 2008, they filed an amended version of this motion (Dkt. #329). Since the motion was filed, Plaintiffs and Federal Defendants have engaged in good-faith settlement negotiations designed to see if they could resolve the issues the motion, as amended, raises without the need for further litigation. Recently, the parties reached agreement on a fixed sum to serve as the basis of a settlement agreement to dispose of all such issues and the amended motion. This stipulation serves to memorialize and formalize their agreement.

2. Federal Defendants shall pay to Plaintiff Oregon Natural Resources Council Action (Taxpayer ID# 23-7432820) the sum of \$90,000.00 as the full amount that may be due and owing and in complete satisfaction of any obligations Federal Defendants may have to compensate any and all Plaintiffs for the expenditures they have made or have yet to make for attorneys' fees, costs, and any other expenses related to this action, including but not limited to the expenditures for which they seek reimbursement in their pending amended motion. Federal Defendants will send such payment to the attention of Ms. Candace Guth, who shall receive payment as an authorized representative of Plaintiff Oregon Natural Resources Council Action on behalf of all Plaintiffs, at the following address: 5825 North Greeley Avenue, Portland, Oregon 97217.

3. Plaintiffs' entry into this stipulation effects a withdrawal with prejudice of both their pending amended motion for attorneys' fees, costs, and other expenses (Dkt. #329) and the original version of the motion (Dkt. # 318). The Court retains jurisdiction to enforce the terms of this stipulation as necessary until the payment referenced in paragraph 2, above, has been made.

4. The fact that the Stipulating Parties are entering into this stipulation does not constitute, and shall not be construed, as an admission on the part of either Plaintiffs or Federal

Defendants in regard to any issues related to Plaintiffs' amended motion (or the motion in its original version) for attorneys' fees, costs, and other expenses.

5. The Stipulating Parties respectfully request that the Court review and approve this stipulation by signing on the signature block below provided for that purpose.

Respectfully submitted this 7th day of April 2008.


KARIN J. IMMERGUT  
United States Attorney  
District of Oregon

/s/ Peter M.K. Frost (by SJO)  
PETER M.K. FROST, #91184  
Western Environmental Law Center  
(541) 485-2471  
Of Attorneys for Plaintiffs

/s/ Stephen J. Odell  
STEPHEN J. ODELL, OSB #90353  
United States Attorney's Office  
(503) 727-1024  
Of Attorneys for Federal Defendants

Having reviewed this document, the Court hereby APPROVES the foregoing stipulation of Plaintiffs and Federal Defendants regarding the disposition of Plaintiffs' Amended Motion for Attorneys' Fees, Costs, and Other Expenses (Dkt. #329).

IT IS SO ORDERED this 8<sup>th</sup> day of April 2008.

 THE HONORABLE GARR M. KING  
United States District Judge

STIPULATION & [PROPOSED] ORDER RE: DISPOSITION OF AMENDED  
MOTION FOR ATTORNEYS' FEES, COSTS, AND OTHER EXPENSES

- Page 3